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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,751	01/09/2004	JOSHUA P. STYRON	81044503	1750
32242	7590	02/16/2005	EXAMINER	
DYKEMA GOSSETT PLLC 2723 SOUTH STATE STREET SUITE 400 ANN ARBOR, MI 48104			ALI, HYDER	
			ART UNIT	PAPER NUMBER
			3747	

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/707,751	Applicant(s) STYRON, JOSHUA P.	
	Examiner HYDER ALI	Art Unit 3747	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-12 is/are allowed.
- 6) ☒ Claim(s) 1-3, 13, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 4-9 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/13/04 & 1/9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,3,13,15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Raquiza, Jr. (US 6,202,622).

As to Claim 1, Raquiza, Jr discloses a variable compression ratio connecting rod 12 for an internal combustion engine, comprising: a large end adapted for attachment to a crankshaft; a small end 12a adapted for attachment to a piston; and an adjustable four-bar system 12b,12d,13,14a,14b extending between and linking said large end and said small end, so as to permit the length of said connecting rod to be adjusted.

As to Claim 2, Raquiza, Jr discloses said four-bar system comprises a primary link 12b extending between said large end and said small end 12a, with said primary link being pivotably attached to said large end, and an adjustable toggle link 12d,13 having a first end pivotably attached to said primary link 12b and a second end pivotably attached to an eccentric journaled 14a,14b within said large end, such that the rotational position of said eccentric 14a,14b determines the length of said connecting rod.

As to Claim 3, Raquiza, Jr discloses eccentric 14a,14b is selectively positionable in a plurality of rotational position.

As to Claim 13, Raquiza, Jr discloses a variable compression ratio connecting rod for an internal combustion engine, comprising: a large end adapted for attachment to a crankshaft; a small end 12a adapted for attachment to a piston by a wrist pin; and an adjustable four-bar system 12b,12d,13,14a,14b extending between and linking said large end and said small end, so as to permit the length of said connecting rod to be adjusted, wherein said four-bar system comprises a fixed length primary link 12b extending between said large end and said small end, with said primary link being pivotably attached to said large end, and an adjustable toggle link 12d,13 having a first end pivotably attached to said primary link and a second end pivotably attached to an eccentric journaled 14a,14b within said large end, such that the rotational position of said eccentric and the resulting position of said toggle link determine the rotational position of said primary link with respect to said large end, so as to determine the length of said connecting rod.

As to Claim 15, Raquiza, Jr discloses toggle link 13 is unitary.

As to Claim 16, Raquiza, Jr discloses toggle link 13 is produced by cracking apart a unitary preform.

Allowable Subject Matter

Claims 10-12 are allowed.

Claims 4-9 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HYDER ALI whose telephone number is (571) 272-4836. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HENRY YUEN can be reached on (571) 272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hyder Ali

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Henry C. Yuen
Supervisory Patent Examiner
Group 3700